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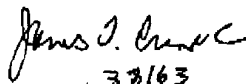
DATE: August 11, 2004 TIME: \_\_\_\_\_  
TO: Commissioner for Patents / Office of Petitions YOUR REF: 10/604,033  
FROM: James T. Cronvich OUR REF: 2173.1  
BY: James T. Cronvich FAX: 703-872-9306  
TOTAL # OF PAGES (INCLUDING THIS PAGE): 17

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## MESSAGE:

## Contents:

Transmittal w/ Cert. of Transmission  
Fee Transmittal  
Petition (3 pages)  
Copy of Application Data Sheet (3 pages)  
Copy of Notice Regarding Benefit/Priority Claim (3 pages)  
Copy of Response to Notice regarding Benefit/Priority Claim and fax Auto-reply (5 pages)

  
33163

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INTRALOX, INC.

*Plastic Conveyor Belts*

LAPEYRE STAIR, L.L.C.

*Space-Saving Stairs*

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*Precision-Machined Components*

PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/804,033	
	Filing Date	08/23/2003	
	First Named Inventor	COSTANZO	
	Art Unit	3651	
	Examiner Name	DILLON, Joe	
Total Number of Pages in This Submission	18	Attorney Docket Number	2173.1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James T. Cronvich 33163
Signature	<i>James T. Cronvich</i>
Date	Aug. 11, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
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Typed or printed name	James T. Cronvich 33163
Signature	<i>James T. Cronvich</i>
Date	Aug. 11, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**130****Complete if Known**

Application Number	10/604,033
Filing Date	06/23/2003
First Named Inventor	COSTANZO
Examiner Name	DILLON, J.
Art Unit	3651
Attorney Docket No.	2173.1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	12-0090
Deposit Account Name	LAITRAM, L.L.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity / Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130****SUBMITTED BY**Name (Print/Type) **James T. Cronovich**

Registration No.

**33163**

(Complete if applicable)

Telephone **504-733-6000**

Signature

*James T. Cronovich*

Date

**8/11/04****WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AUG 11 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Mark B. Costanzo

Docket No.: 2173.1

Serial No.: 10/604,033

Examiner: Dillon, J.

Filed: 06/23/2003

Group Art Unit: 3651

FOR: TILT CONVEYOR

PETITION UNDER 37 C.F.R. §1.181 TO HAVE THE APPLICATION CONVERTED FROM A 35  
U.S.C. §111 FILING TO A 35 U.S.C. §371 NATIONAL STAGE FILING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant petitions that the filing receipt of this Application be corrected to indicate that it is a national stage application of PCT/US02/01144, filed 01/09/2002.

On June 23, 2003, applicant's undersigned attorney filed this application, US Serial No. 10/604,033, electronically through the USPTO's ePAVE system. In filing the application, the attorney's intent was to file a national stage application under 35 U.S.C. §371. The attorney was also trying to use the electronic filing system as the USPTO encourages filers to use. The attorney was attempting to file US Serial No. 10/604,033 as a US national stage application of International Application No. PCT/US02/01144, filed 01/09/2002. This International application, in turn, claimed the priority of earlier filed US Provisional Application No. 60/260,620, filed 01/09/2001. The attorney attempted to make this clear in the Continuity Data Section of the ePAVE filing system. The Application Data Sheet generated by ePAVE and attached for your reference clearly indicates: "This is a National Stage of GC application number PCT/US02/01144, filed 2002-01-09."

2173.1\petition

1

On Nov. 7, 2003, the OIPE mailed the Filing Receipt of Serial No. 10/604,033 to applicant's attorney. The filing receipt was accompanied by the attached Notice Regarding Benefit/Priority Claim(s). The Notice indicated that the "Prior-Filed Nonprovisional Application has been Improperly Indicated as a National Stage (35 U.S.C. §371) Application." Furthermore, the form paragraph reads: "Applicant submitted a benefit claim to a prior-filed nonprovisional application and improperly indicated that the prior filed application is a national stage application under 35 U.S.C. §371. The office's records show that the prior-filed application is an application filed under 35 U.S.C. §111(a)."

On December 3, 2003, applicant's attorney called the Office of Petitions to ask about this situation. The Office of Petitions directed applicant's attorney to the OIPE, which directed him to the eBusiness Center. The person at the eBusiness Center told applicant's attorney that §371 applications could be filed electronically, but directed him to the PCT Help Desk. The PCT Help Desk told applicant's attorney that §371 applications cannot be electronically filed, although work was underway to allow that in the future. Because it was not clear how best to have the correction made, on December 11, 2003, applicant filed a request with the OIPE similar to this petition. The request, which is attached (less duplicates of the documents referenced in the previous paragraphs of this petition) along with the fax auto-reply, requested that the OIPE correct the filing receipt to denote this application a filing under 35 U.S.C. §371. Because applicant had not heard from OIPE regarding that filing, applicant's attorney earlier today called the PCT Help Desk, explained the situation, and, following the PCT Help Desk's suggestion, is filing this petition. Applicant's attorney also spoke with the Examiner, Joseph Dillon, today about this matter. Examiner Dillon offered to take into account the two possible priority dates when conducting his search.

Applicant contends that:

1. The statement in the Notice does not apply to this filing because applicant did not indicate that the prior-filed application is a national stage application. The prior-filed application is not a national stage application, but an International Application (PCT/US02/01144), not an application filed under 35 U.S.C. §111(a), as indicated in the Notice.
2. It is clear on the face of the attached electronically-generated Application Data Sheet that applicant intended this to be a national stage application under 35 U.S.C. §371 entitled to the International filing date of 01/09/2002 and to the priority date of 01/09/2001 (Provisional Application No. 60/260,620).

Applicant therefore petitions that the filing receipt of this Application be corrected to indicate that it is a national stage application of PCT/US02/01144, filed 01/09/2002, which claims the priority benefit of provisional Application No. 60/260,620, filed 01/09/2001. If the petition is not granted, applicants kindly requests a suggestion on how to remedy this situation.

The petition fee is authorized to be charged to Deposit Account No. 12-0090.

Date:

Aug. 11, 2004

By:

Respectfully submitted,  
Mark B. Costanzo

James T. Cronvich

James T. Cronvich  
Reg. No. 33163  
Laitram, L.L.C.  
220 Laitram Lane  
Harahan, Louisiana 70123  
Telephone: (504) 733-6739, ext. 1243  
Facsimile: (504) 734-5233

US-Request

## APPLICATION DATA SHEET

Electronic Version v14

Stylesheet Version v14.0

Title of Invention	TILT CONVEYOR		
Application Type: regular, utility Attorney Docket Number: 2173.1			
Correspondence address: Customer Number: 09748 *09748*			
Continuing Data:  This is a National Stage of GC application number PCT/US02/01144, filed 2002-01-09.  GC application number PCT/US02/01144, filed 2002-01-09 is a Non-Provisional of US application number 60/260,620, filed 2001-01-09.			
Inventor Information:  Inventor 1: Applicant Authority Type: Inventor Citizenship: US Name prefix: Mr. Given Name: Mark Middle Name: B. Family Name: Costanzo City of Residence: River Ridge State of Residence: LA Country of Residence: US			

US-Request

Page 2 of 3

Address-1 of Mailing Address: 525 Florida Street

Address-2 of Mailing Address:

City of Mailing Address: River Ridge

State of Mailing Address: LA

Postal Code of Mailing Address: 70123

Country of Mailing Address: US

Phone:

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E-mail:

## Attorney Information:

practitioner(s) at Customer Number:

09748

\*09748\*

as my attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

## Publication Information:

Suggested Figure for Publication - 1

Suggested Classification -

Suggested Technology Center - 3600

Total Number of Drawing Sheets - 4

Assignee 1:

Organization Name: The Laitram Corporation

Address-1 of Mailing Address: 220 Laitram Lane

Address-2 of Mailing Address: Legal Department

City of Mailing Address: Harahan

State of Mailing Address: LA

US-Request

Postal Code of Mailing Address: 70123

Country of Mailing Address: US

Phone: 504-733-6000

Fax: 504-734-5233

E-mail: jcronvic@laitram.com



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/604,033	06/23/2003	Mark B. Costanzo	2173.1

09748

LAITRAM, L.L.C.  
LEGAL DEPARTMENT  
220 LAITRAM LANE  
HARAHAN, LA 70123

CONFIRMATION NO. 1032

\*OC000000010926501\*

Date Mailed: 11/07/2003

## Notice Regarding Benefit/Priority Claim(s)

☐ Improper Benefit Claim(s) to Prior-Filed Nonprovisional Application(s)

The benefit claim(s) to prior-filed nonprovisional application(s) is improper because there is no specific reference for each prior-filed application that includes: (1) the identification of the prior-filed application by application number, or international application number and international filing date, and (2) a clear indication the relationship (i.e., continuation, divisional, or continuation-in-part) of the nonprovisional applications. For example, applicant should amend the specification to include a specific reference, such as "This application is a continuation of Application No. 10/—,--- filed —." in the first sentence of the specification following the title.

Applicant should review each benefit claim submitted and, if appropriate, provide the proper reference to the prior-filed application(s) as required by 37 CFR 1.78. A proper relationship includes an identification of each nonprovisional application as a continuation, divisional or continuation-in-part application of the immediate prior-filed nonprovisional application for which a benefit is claimed under 37 CFR 1.78 in order to establish copendency throughout the entire chain of prior-filed applications. The specific reference must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

**Timeliness:** The required reference for each benefit claim must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed. See 37 CFR 1.78(a).

☐ Improper Benefit Claim(s) to Prior-Filed Nonprovisional Application(s)

The benefit claim(s) to prior-filed provisional application(s) is improper because the instant application was not filed within twelve (12) months from the filing date of the provisional application,

and there is no indication of an intermediate nonprovisional application that is directly claiming the benefit of the provisional application and filed within 12 months of the filing date of the provisional application. For example, applicant should amend the specification to include a specific reference, such as "This application is a continuation of Application No. 10/---,--- filed ---, which claims the benefit of U.S. Provisional Application No. 60/---,--- filed---." in the first sentence of the specification following the title.

Applicant should review each benefit claim submitted and, if appropriate, provide the proper reference to the prior-filed applications (including an indication of any intermediate nonprovisional application that is directly claiming the benefit of the provisional application and filed with 12 months of the filing date of the provisional application) as required by 37 CFR 1.78. The required reference must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

**Timeliness:** The required reference for each benefit claim must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed during the pendency of the instant application.

☐ **Improper Priority Claim(s) to Prior-Filed Foreign Application(s)**

The instant application was not filed within twelve (12) months from the filing date of the prior-filed foreign application, and there is no benefit claim to an intermediate nonprovisional application filed within 12 months of the filing date of the foreign application. Applicant should review each priority claim submitted and, if appropriate, provide the proper reference to any intermediate nonprovisional application filed within 12 months of the filing date of the foreign application in compliance with 37 CFR 1.78, or delete the priority claim. The required reference to an intermediate nonprovisional application must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

**Timeliness:** The required reference for the benefit claim to an intermediate nonprovisional application must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed.

☐ **Benefit Claims to More Than 400 Prior-Filed Applications**

The Office's automated system to record and capture benefit claims is only capable of recording benefit claims for 400 prior-filed applications. Therefore, the Office is unable to generate a filing receipt containing benefit claims for more than 400 prior-filed applications even though applicant is entitled to submit benefit claims for more than 400 prior-filed applications. Accordingly, applicant should not request a corrected filing receipt to include benefit claims for more than 400 prior-filed applications.



**Prior-Filed Nonprovisional Application has been Improperly Indicated as a National Stage (35**

**U.S.C. 371) Application**

Applicant submitted a benefit claim to a prior-filed nonprovisional application and improperly indicated that the prior-filed application is a national stage application under 35 U.S.C. 371. The Office's records show that the prior-filed application is an application filed under 35 U.S.C. 111(a). The Office has entered the benefit claim to the prior-filed application as a benefit claim to an application filed under 35 U.S.C. 111(a). Any request for a corrected filing receipt to include the indication that the prior-filed application is a national stage application will not be granted unless applicant supplies evidence that the prior application was in fact a national stage application. Accordingly, applicant should not submit such request without such evidence. Applicant should submit an amendment (or an application data sheet (ADS) if the benefit claim was submitted in an ADS) to delete the indication that the prior-filed application is a national stage application.

For more information and examples on benefit claims, please see Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(c), 120, 121, and 365(c), 1268 Off. Gaz. Pat. Office 89 (March 18, 2003), which is available on the USPTO website at <http://www.uspto.gov/web/offices/com/sol/og/2003/week11/pathbene.htm>, and the Manual of Patent Examining Procedure (MPEP) §§ 201.11 and 201.14.

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**THE LAITRAM CORPORATION****LEGAL DEPARTMENT**

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FROM: James T. Cronvich

OUR REF: 2173.1

BY: James T. Cronvich

FAX: 703-746-9195

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James T. Cronvich Reg. 33163

## Contents:

Response to Notice regarding Benefit/Priority Claim (3 pages)

Copy of Application Data Sheet (3 pages)

Copy of Notice Regarding Benefit/Priority Claim (3 pages)

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INTRALOX, INC.

LAPEYRE STAIR, L.L.C.

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Food Processing Machinery

Plastic Conveyor Belts

Space-Saving Stairs

Precision-Machined Components

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AUG 11 2004

In re the application of:

Mark B. Costanzo

Docket No.: 2173.1

Serial No.: 10/604,033

Examiner:

Filed: 06/23/2003

Group Art Unit:

FOR: TILT CONVEYOR

OFFICIAL

RESPONSE TO NOTICE REGARDING BENEFIT/PRIORITY CLAIM(S)

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Dear Sir:

Applicant requests that the filing receipt of this Application be corrected to indicate that it is a national stage application of PCT/US02/01144, filed 01/09/2002.

On June 23, 2003, applicant's undersigned attorney filed this application electronically through the USPTO's ePAVE system. In filing the application, the attorney's intent was to file a national stage application under 25 U.S.C. §371. The attorney was also trying to use the electronic filing system as the USPTO encourages filers to use. The attorney was attempting to file US Serial No. 10/604,033 as a US national stage application of International Application No. PCT/US02/01144, filed 01/09/2002. This International application, in turn, claimed the priority of earlier filed US Provisional Application No. 60/260,620, filed 01/09/2001. The attorney attempted to make this clear in the Continuity Data Section of the ePAVE filing system. The Application Data Sheet generated by ePAVE and attached for your reference clearly indicates:

"This is a National Stage of GC application number PCT/US02/01144, filed 2002-10-09."

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On Nov. 7, 2003, the OIPE mailed the Filing Receipt of Serial No. 10/604,033 to applicant's attorney. The filing receipt was accompanied by the attached Notice Regarding Benefit/Priority Claim(s). The Notice indicated that the "Prior-Filed Nonprovisional Application has been Improperly Indicated as a National Stage (35 U.S.C. §371) Application." Furthermore, the form paragraph reads: "Applicant submitted a benefit claim to a prior-filed nonprovisional application and improperly indicated that the prior filed application is a national stage application under 35 U.S.C. §371. The office's records show that the prior-filed application is an application filed under 35 U.S.C. §111(a)."

Applicant contends that:

1. The statement in the form does not apply to this filing because applicant did not indicate that the prior-filed application is a national stage application. The prior-filed application is not a national stage application. The prior-filed application is not a national stage application, but an International Application (PCT/US02/01144), not an application filed under 35 U.S.C. §111(a), as indicated in the Notice.
2. It is clear on the face of the attached electronically-generated Application Data Sheet that applicant intended this to be a national stage application under 35 U.S.C. §371 entitled to the International filing date of 01/09/2002 and to the priority date of 01/09/2001 (Provisional Application No. 60/260,620).

Applicant requests the OIPE to correct the filing receipt to indicate this priority claim.

If there is a better way to have this filing corrected or if it would facilitate matters to discuss this with the undersigned by phone, please call him at 504-733-6739, ext. 1243.

Date: Dec. 11, 2003

By: James T. Cronvich

Respectfully submitted,  
Mark B. Costanzo

James T. Cronvich  
Reg. No. 33,163  
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USPTO 12/11/2003 5:00 PM PAGE 1/001 Fax Server  
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DATE: December 11, 2003		TIME:			
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